The first old church was not a regular appointment on any circuit but was just used by circuit riders who were riding through, but the next log church became an appointment on the Greenbank circuit. The members of this church are as follows: Benjamin Tallman, Virginia McLaughlin, Ida Curry, Margaret Wilfong, Nancy Gum, Catherine Wilfong, Mary Geiger, Nettie Arbogast, George M. Sheets, Margaret Geiger, Howard Meeks, Alice Meeks, Sue Barnett, Mollie barnett, Virgie Barnett, mary Tacy, Virdie Sheets, Carrie Sheets, w. F. Kerr, Daniel wilfong, Peter Collins this is the C. P. Collins mentioned so often in the conference records), Sallie Collins, charles Curry, Rachel Grogg, Myrtle Curry, Elizabeth McLaughlin, Allen Burner, Virginia burner, Sarah burner, Elizzie Gum, Eliza Ray, George N. McLaughlin, Otis McLaughlin, Sallie McLaughlin, Warwick Simmons, Georgie Simmons, Virginia Simmons, David McLaughlin, Jane McLaughlin, Uzilla Tallman, Andrew matliff, and Nancy wanless.

There has been no preaching services at this church for the past four years. The class is small and rew take an interest in it. There is some talk of again organizing a class here and making it a regular appointment, but that waits to be seen. The Trustees are Ward McLaughlin, Odis McLaughlin and G. A. Sheets.

From-- Church Records
Rev. Q. Arbogast
Mr. and Mrs.G.A.Sheet
mrs Caroline Tacy
Deed Book 16 page 441

Missions to the New World



Vespers Service At McNeel Cemetery

June 27, 1999

Onward Christian Soldiers

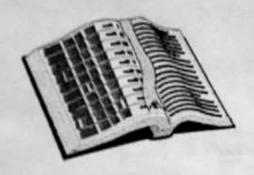
Onward, Christian soldiers, Marching as to war With the cross of Jesus, Going on before, Christ the royal Master, Leads against the foe; Forward into battle, See, His Banners go.

Chorus

Onward, Christian soldiers Marching as to war With the cross of Jesus Going on before.

Like a mighty army,
Moves the Church of God;
Brothers, we are treading,
Where the saints have trod
We are not divided,
All one body we,
One in hope and doctrine,
One in charity

Chorus



Swing Low, Sweet Chariot

Chorus

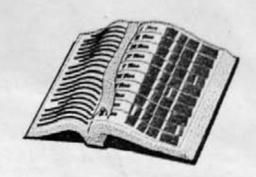
Swing Low, Sweet Chariot Comin' for to carry me home Swing Low, Sweet Chariot Comin' for to carry me home

I look'd over Jordon
An' what did I see
Comin' for to carry me home
A band of angels comin' after me
Comin' for to carry me home

Chorus

If you get there
Before I do
Comin' for to carry me home
Tell all my friends I'm comin' there too
Comin' for to carry me home.

Chorus



Opening Prayer

Beasts of Burden

Swing Low, Sweet Chariot Congregation

Excerpts from *The True Church* by J.C. Ryle (1816-1900)

Onward Christian Soldiers Congregation

Closing Prayer

Taps



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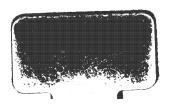
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Memoir of

John Howe Peyton.

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John A. Pry For

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MEMOIR OF

JOHN HOWE PEYTON,

IN SKETCHES BY HIS

CONTEMPORARIES,

TOGETHER WITH SOME OF HIS PUBLIC AND PRIVATE LETTERS, ETC., ALSO A SKETCH OF

MG ANN MEPEYTON



COMPILED BY

The Author of the History of Augusta County.

Peyton, John Lewis =

Rudis Indigestaque Moles.

[Printed for private circulation.]

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PREFACE.

The following sketches of John Howe Peyton, by some of his contemporaries, and the scanty material gleaned from an imperfect file of the *Republican Farmer* (newspaper) of 1811-12, and from the *Staunton Spectator* from 1838 to 1847, (between 1811 and 1830, only a few mutilated and unbound Staunton newspapers exist,) and a small parcel of family papers, letters, etc., which escaped destruction during the civil war; are all that that can be found to throw any light upon the life of one of Virginia's purest men and greatest lawyers.* And thus his fame must largely rest upon the applause and praises, which his efforts called forth, with his immediate hearers and admirers. This deplorable want of

^{*}Note.—In the library and papers of his son, J. L. Peyton, which were stored for safe keeping on his estate in Alleghany on Jackson's River, and in the Valley of the Falling Spring, in the Spring of 1861, there were many boxes of MSS., letters from various members of the family, written between 1740 and 1860, and often the answers of them. The letters were from John Peyton, who died in 1760, John Rowze Peyton, John Sergeant, C. J. Ingersoll, Jos. R. Ingersoll, J. M. Berrian, Thos. Jefferson, John Marshall, James Madison, Bishop Madison, Governor Tyler, John Scott, of Fauquier, Dr. Alexander, D. D., Bishop Meade, B. W. Leigh, Chapman Johnson, John S. Archer, Gov'r. McDowell, Governor Campbell, Thos. H. Benton, Henry Clay, Daniel Webster, Wm. C. Rives, Gen. Francis Preston, Wm. C. Preston, William Preston, J. M. Preston, Wm. B. Preston, John Floyd, Judge A. G. Dade, John Yates, Bushrod Washington, Gov. Thos. Mann Randolph, H. A. Wise, John Randolph, of Roanoke, John Tyler, Spencer Roane, and others; and Mr. Peyton's letter book, beginning about 1806. The whole of this invaluable mass was burnt, or destroyed, together with Col. Peyton's library, by Federal troops during the civil war.

material for a portrayal of his life and character, is not peculiar to his case. Few of those who have astonished their contemporaries by their wit and genius, and who were held in the highest admiration in their day, have left behind them memorials sufficient to justify their fame. This is so as to many of Virginia's eminent lawyers, and of even some of her most renowned public men. As to some of these the record is decidedly nebulous. Patrick Henry left behind such scanty remains, that great as were hisoratorical talents and patriotic services, his fame rests rather upon the praises of others. than upon what he left behind of his own work. In this reflected or traditional way, his record is splendid, and so is that of John Howe Peyton, who, without overrating his merits and doing injustice to the memory of any of the jurists of the time, may be styled the greatest legal genius of his day. The universal opinion of his contemporaries goes to prove that in the science of criminal or penal law, of civil injuries or torts, and as a Public Prosecutor he had no equal, and it is as well established that in no department of the law had he any superiors. And this want of material is equally true of his great contemporaries, such as Daniel Sheffey, B. W. Leigh, and Chapman Johnson, so that like his, their fame rests on tradition. Alas, that they had not left something of their own productions—enough, at least, to enable us to have measured them as thinkers, writers and speakers. That they were all great men is beyond a doubt. for it is only the great man who touches the heart of the people, as well as their intelligence.

There was little of incident or stirring adventure in the life of Mr. Peyton, and this is the case generally, as to literary and professional men, but the life of such a man should not be permitted to sink into ob-

livion. He is represented by his contemporaries to have been a great and truly good man, who pursued his profession, not merely to gain a subsistence, but to do good, to advance justice and humanity, to promote the well being of his fellow creatures, and the general interests of society. Not his eloquence alone, but all of his powers were ever exerted for the cause of right and justice. And thus his gifts became a public benefit and blessing. If such a man does not deserve to be remembered, we might well ask, who does?

During the two brief episodes in his professional life, when a member first of the lower and then the upper House of the General Assembly, he labored to improve the Criminal laws, the Land laws, the laws relating to the rights of person and the rights of property; in fact, our whole system of jurisprudence, and to advance the cause of popular education and of internal improvements.

He was a man of large and progressive ideas, ready to accept any and all improvements, if persuaded that the remedies proposed were, indeed improvements, but while always ready to correct abuses, he was far from believing that all change meant reform—was too sagacious and far seeing, too much alive to the public intersts, to encourage rash and ill advised men or measures, was wise and firm enough to oppose all fanatics and doctrinaires, in their excesses. In fact he stood in the way of these men and opposed their measures, as tending to the subversion of existing laws and the Constitution, and the introduction of anarchy and confusion. As a Public Prosecutor, it was both his duty and ambition to see the laws faithfully executed, and an example made of evil doers. a word, he was a man who sought to do his duty, not to gain the applause of men, but to meet the approval of his God. At all times, and on all occasions, he was zealous for the common weal; and such was his goodness and maghanimity, that he desired to conceal, rather than display his deeds, and derive fame from them. If his course was beneficial to mankind-advanced the interest and prosperity of society and his country—he was content. For himself, he asked nothing, and always derived happiness from the preferment of others. Public honors were often bestowed upon others, which were looked upon as his due. So far from regretting it, or envying those who got them, he enjoyed seeing competent men promoted and when incompetent men were advanced, he would say, "let us make the most of them," so far was he from and above the littleness of vanity and jealousy. In a word he belonged to the class which "finds tongues in trees, books in running brooks, sermons in stones, and good in everything." Of ambition for noisy honors, newspaper notoriety, or office, he had none. If ambition he had, it was gratified by the general recognition of the purity of his motives, the inflexibility of his personal integrity, by the evidences he constantly received that his labors to alleviate human suffering and to cure social disorders, were understood and appreciated. If he had ambition, it was to do good to his forlorn fellow creatures, to excel in his profession, and this latter he did so eminently that the great lawyers in every part of the State consulted him on many if not all important cases and abstruse points, and for years no law was passed, nor any important change made in existing laws, by the Legislature of Virginia, without members of the body, especially of the judiciary committee, asking his opinion and advice. That he had true ambition, loved honorable fame, we doubt not, and thus this exalted passion was, as we opine, the source of those noble actions and life-long labors, which caused him to be so much honored while living, and to be so venerated now that he is dead. And it is the duty of posterity to bestow on him that praise, after his death, which he declined while living.

Believing that the most efficacious method of exciting the talent of the living, is to confer due honors on departed merit, we have, nearly fifty years after his death, and thirty years after the destruction of his papers and almost everything throwing light upon his life undertaken this compilation. It must necessarily be very imperfect and incomplete, but inadequate as it is, it seems well to preserve it, as showing a wish, at least, to give to heaven-born talent its due.

We should like to have had sufficient material for fully portraying this remarkable man, his actions, his feelings, his thoughts and his adventures. Such a work would have derived additional interest from the fact that it would have recalled and preserved the recollection of his companions and friends, the kindred spirits of his day, now dead and nearly forgotten. As this could not be done, we have garnered up, in a fragmentary way, and not always in chronological sequence, the material, some of it light and trivial, [for it is said, P's 1st, "of the Godly man" "his leaf also shall not wither,"] presented in the following pages, and while it is only a half lifting of the veil of oblivion, it gives us a glimpse, at least, into an almost forgotten life, and serves too, to keep in memory his interesting family of Montgomery Hall. Like all families, it has been dispersed, but it richly deserves to be held in memory and handed down to posterity.

In one of his eloquent sermons, Dr. Talmage thus speaks of oblivion, which he styles the cemetery of the human race. "Why, just look at the families of the earth how they disappear. For awhile they are together, inseparable and to each other indispensable and then they part, some by marriage going to establish other homes, and some leave this life, and a century

is long enough to plant a family, develop it, prosper it, and obliterate it. So the generations vanish."

Mr. Peyton's family, forming no exception to the rule, has been dispersed, but it survives in its branches and without signs of decay. Indeed, some of the young shoots exhibit the life and vigor, the virtue and valor of the original stock, which has stood for centuries, in the language of Lord Bacon, "against the winds and weathers of time." May these vigorous branches spread out, increase, keep pace with the grand march of humanity, and the oblivion of the family be as distant in the future as was its origin in the past.

This, we believe, will be the case, for we do not belong to those who imagine that humanity is on the decline, that the energy of man is decaying, that the heart is becoming harder, and the imagination and intellect are dwindling away. On the contrary, in our opinion, man is, on the whole, advancing, and will continue to advance, intellectually and morally, until the world shall have answered all the purposes of its creation and the immortal state begins. What else means the vast improvement in morals, the ameliorations of war, the progress of political science, the redemption of woman from her degradation and bondage, the abolition of slavery, the general and wonderful progress of the race the last hundred years.

To his descendants now scattered through the States of Virginia, West Virginia, Maryland, New York, and the far West, this compilation will possess deep interest, if it possess none for others, and for them and their connections alone, it is designed. May the remembrance and contemplation of his virtues inspire them with a desire to imitate them!

MEMOIR

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JOHN HOWE PEYTON.

John Howe Peyton, who acquired so much fame as a lawyer, statesman and orator, was descended from Henry Peyton. of "Acquia", Westmoreland county, Va., the first of the Peytons to leave England for Virginia, which he did about the year 1644. Henry Peyton died at his home "Acquia", in Westmoreland county, 1659. We learn from the National Cyclopedia of Biography that from the period of their settlement in Virginia to the present day, 250 years, the family has been "prolific of men full of gallantry and public spirit, of thrifty habits, hospitable, charitable and generous, whose lives have been useful and blameless, and whose characters were without blemish". The grandson of the first emigrant. or Henry Peyton the third, who removed to Stafford county. left among other issue, a son, John Peyton, of Stony Hill, Stafford, who was the grandfather of John H. Peyton, and is described as a man of "undeviating rectitude of conduct, of unshaken constancy in friendship, active in benevolence and pure in his habits."

John Peyton left by his second wife a son, John Rowze Peyton, of Stony Hill, Stafford county, who served seven years in the Revolutionary Army and acquired by his dauntless valor and faithful discharge of duty, the sobriquet of the 'hero boy of 1776''. He was a man of strong convictions, probably of strong prejudices, and enforced his views in newspaper articles, showing marked ability as a thinker and writer. His son, John Howe Peyton, the subject of this sketch, was born at Stony Hill, April 27th, 1778, and died at Montgomery Hall, near Staunton, Augusta county, Va., April 3rd, 1847. And it may be truly said that no one was more loved, more honored or more mourned by those who knew him best.

When a boy attending a country school near his birth place, young John Howe Peyton was conspicuous for the beauty and intelligence of his countenance, the comeliness of his person, the quaintness of his humor, the vivacity of his spirits, and the pungency of his wit. The lad was fond of outdoor sports and all athletic exercises, in which he engaged daily, thus in good time developing his strength and securing for life a sound mind in a sound body. These pastimes, however, did not interfere with his studies, to which he devoted himself for years assiduously. And he succeeded so well, in both mental and physical exercises, that it was commonly said of him, that he was a boy who seemed to have come from the hand of nature, formed and destined to do extensive good, and to excel in every pursuit. So superior was he generally to his young companions that he was, before twelve years of age, pointed out as one who already gave evidence of his future abilities. When only sixteen years of age, he had grown into a young man of remarkable strength of body and vigor of mind, was full of pluck and spirit, and had acquired no small stock of learning. His father determined to send him to the North for further education. Accordingly he was entered at Nassau Hall Princeton University. N. J., in 1794, then, as now, one of the most famons seats of learning in the country, and much patronized by Southerners. His previous training prepared him well for the University, where he quickly took and kept a leading place till his graduation as A. M. in 1797.

At Princeton he continued, as may be surmised, diligent in his studies, and while going through the usual scholastic routine engaged in an extensive private course of philosophical, metaphysical, historical and general reading. His thirst for knowledge was insatiable, and he kept up this habit in after years, and to give his family a taste for literature was in the habit of reading aloud to his children of evenings the plays of Shakespeare, the writings of Addison, Swift, Johnson, Goldsmith and other standard authors. He also attended the debates in the Whig Society, (an association of young collegians, formed for mutual improvement,) where he won distinction as a speaker and debater. He was singularly free from the usual vices of youth and that sensuality and egotism. which is the source of so many miseries. In consequence of his high standing as a scholar, orator and man-and no young man was more noted for his exemplary habits, straightforward conduct and nice sense of honor-he was held in great respect in the University, alike by professors, tutors and fellow stu-But he never showed the slightest consciousness of his endowments or discovered any vanity at the extent and variety of his attainments, and the impression they made on others, but enjoyed his success with propriety and good sense. He made many friends at Princeton, and if they were not afterwards of service to him, they were certainly a comfort. His object then, as ever afterwards, was not to shine, for ambition was not his failing, but he was incited by a thirst for knowledge and a desire for excellence. Having secured high

academical honors, which are the laudable objects of any young man's generous ambition, by taking his A. M. degree, he returned to Virginia in 1797, immediately thereafter commenced, and in due time completed his legal education, and in 1799 entered on the law practice. Judge R. C. L. Moncure, President of the Supreme Court of Appeals of Virginia, says of him in his private journal: "He took a position on being admitted to the bar, which brought him immediate and continued popularity as a lawyer, a pleader and a scholar." His progress was indeed rapid, and he soon proved to be acute, deep, cautious, methodical and persevering, with extraordinary administrative ability; and was noted for his personal magnetism, his animal spirits and social powers, as well as his forensic abilities.

At this time he was six feet two inches high, of strong, lithe and vigorous frame, weighing about 180 pounds. manners were affable and engaging, and were characterized by dignity and grace. He was fond of conversation, and his conversation was animated and instructive. He always, indeed, spoke with so much point that he appeared superior to others of his age in wisdom and understanding. To his solid attainments and well-bred and polished manners he joined a generous heart, virtuous principles and a chivalric sense of honor. These gifts and accomplishments soon inspired all who knew him with respect and esteem, and this admiration was due to none of those artifices so common with "people's men," or of that subserviency which so often leads to popularity, and which contra-distinguishes the man without principle, who wants office, from the man of principle whom office wants. It was also discovered that he was broad and liberal in his views and opinions on politics and religion, and indeed on all social questions—was free from cant and hypocricy,

and was without any of that duplicity in youth which is the forerunner of perfidy in old age. Toward all men he was charitable, and did not require them to see things as he saw them; he allowed of a difference of opinion without treating a man as a heretic in religion, or a knave and traitor in politics because he sought to serve God or his country by a different course or policy from himself. He not only respected but venerated all men who were loyal to truth. His influence was consequently very great and was soon enhanced by the discovery that he was a man of stern and uncompromising integrity and inflexible firmness, or unlimited courage, a courage which extended to rashness, a man who could not be moved from the path of duty by "fear, favor or affection," and we may add that he went through a long, eventful and trying life without suspicion of any kind of vice. He was soon looked up to as a person not only of eminent merit but exalted character, who would, if the occasion arose, become a hero, ready and able to defend the rights of the people and the liberties of his country. Early in the century 1802-3 he was commissioned captain of a volunteer company of cavalry and drilled his command, composed of young gentlemen of Stafford and Spottsylvania counties over the country from Acquia Creek to Fredericksburg, and the annals of British Field sports were never illustrated by more daring feats of horsemanship, the clearing of fences, gates, hedges and ditches, than were performed by these Virginian riders.

In 1804 he married Susan, daughter of William Strother Madison, a niece of the Right Rev. James Madison, Bishop of Virginia, and relative of President Madison, by whom he left an only son, the late Col. William M. Peyton, of Roanoke, who was himself a man of gifted intellect and extensive acquirements, of upright and honorable character, who acquired as a

public speaker and member of the House of Delegates of Virginia, a distinguished reputation for ability and states manship. We anticipate events in order to state that after losing his wife by her untimely death, he married in 1821 Ann Montgomery Lewis, a daughter of the old Revolutionary hero, Major John Lewis of the Sweet Springs; by his wife Mary, a daughter of the gallant Col. William Preston, of Smithfield, Montgomery county, who was wounded at the battle of Guildford, from the effects of which he died years afterward. By his second marriage he left ten children. In 1806 he was elected to the House of Delegates. This gave him little or no pleasure, as he preferred the profession but he served several years, up to 1810 on public grounds. Though there was not much scope in the House for his powers, he took an active part in all business and in the debates, and such was his political sagacity, his indomitable energy and his vehement eloquence, that he had almost unrivaled power over his hearers and soon became a leader, inspiring his followers with enthusiastic love and admiration, and was regarded by them, if not by both sides of the Chamber, as the ablest man in the House and the equal of any in the State. At that period he was as remarkable for his wise and prudent counsels as for his invincible eloquence.

During the session of 1809-10 Mr. Peyton made the celebrated report as to an amendment of the Constitution of the United States, which is appended to this sketch.

Staunton was early in the century a no inconsiderable town, and to lawyer and litigant alike the most important point west of the Blue Ridge Mountains, because the seat of the superior courts of law and chancery—the jurisdiction of the chancery court extending over the whole western part of the State. This fact caused many able and learned lawyers to make it their home, among the most prominent were

Judge Coalter, Daniel Sheffey, Chapman Johnson, Briscoe G. Baldwin and Samuel Blackburn, and the terms were attended by such legal lights, from other circuits, as George Hay, William Wirt, P. P. Barbour, B. W. Leigh, L.W. Tazewell, Henry St. G. Tucker and others. Staunton was then regarded, and for many years later, as having the ablest resident bar in the State.

In 1808, Mr. Peyton removed to the town to enter the arena against these great men, and in a very brief period, indeed, he gained, in the opinion of the court and the lawyers and of the people, the first place at the bar. Such was his vigor, originality and learning, that Col. Preston, one of his biographers, says that "he met in contest the strongest men in each department of the law and he made himself a champion in all." Daniel Sheffey said "he posessed gigantic power without effort, was leader in his circuit and at the head of the profession."

From 1808 to 1846, when struck down by apoplexy, he bent the whole energies of his mind and body to the profession—the only interruption in this long period of practice being a brief episode of military service, from 1812 to 1815, as Chief of Staff to Gen. Porterfield in the war against England, and one of five years in the Senate of Virginia from 1839 to 1845, when he resigned during his second term from ill health. He did not desire, still less seek, a seat in the Senate, but yielded to the importunities of his Rockbridge and Augusta friends, the leading men of Rockbridge particularly importuning him to accept the position, in order to promote, among other things, the fortunes of the Virginia Military Institute; a school they esteemed of great importance to the county and the cause of State education, and to which it was well known Mr. Peyton was most friendly, for he was

everywhere known and recognized as the friend and promoter of learning and the liberal arts. And his deep interest in the cause of education was evinced by his acceptance of the position of trustee of Washington College in 1832, which he held till he resigned in 1846, having during this long period at great inconvenience to himself, attended the meetings of the Board, of which he was an active and useful member. He also acted for many years before and after 1832 as President of the Board of Trustees of the Staunton Academy; was one of the founders of the Virginia Female Institute at Staunton, and a member of the Board of Trustees; was one of the most earnest advocates of the scheme for establishing the Virginia Military Institute and suggested the union of the College under one Institute and Washington agement, believing that the United University ought to be and would become one of the greatest seats of learning in the country. He also accepted, in 1840, the position of visitor to the U.S. Military Academy at West Point, and wrote the able, interesting and instructive report of the Board for that year. This was said at the time to be the ablest report ever written on the condition, the mode of instruction, the changes and improvements which should be introduced in the course of study and discipline and the future usefulness of West Point.

Education he considered the philosophy of the human mind, enriching it with all that is useful or ornamental in knowledge, teaching us how to avert evil and produce good. It was not so valuable for the learning acquired, for to be well informed, was not, in his opinion, to be well educated; as for the moral character it formed, for the habit of thought engendered, for the preparation it was for the practical duties of life—in a word, he regarded education or intellectual progress as the sure forerunner of moral improvement.

It may not be out of place to mention here that his interest in, and sympathy for the unfortunate and afflicted was manifested in various ways, but especially by his services as a member of the Court of Directors of the Western Lunatic Asylum at Staunton for over twenty years, during ten of which he was President of the board.

Mr. Peyton's political life can be briefly summarized. He voted for the election of James Madison and zealously supported his administration. He also voted for James Monroe, and opposed the election of John Quincy Adams, voting for Gen. Jackson. He voted for Jackson twice, reluctantly when a candidate for a re-election, because of his refusal to sign the bill to recharter the United States Bank, but under a belief that Jackson's course was more due to the feelings created by the particular time when congress passed the bill, it being just previous to his second election, than to any settled hostility on his part to a United States Bank, and he subsequently abandoned that party, and ever afterwards adhered to the Whig party.

Mr. Peyton thus gives his reasons for abandoning the democratic party—he said; "shortly after his (Jackson's) re-election, he commenced a train of measures, to which I was utterly opposed, measures of a novel and alarming character, which in their origin and their subsequent developments, brought distress and embarrassment upon the banks, upon the country at large, and especially upon all our commercial interests. I allude to his wild, violent and undigested schemes of finance, commencing with his pet bank system and ending with his order in council, the specie circular. This warfare upon the bank of the United States, the currency and the commerce of the nation, reduced us in 1837 to the degradation of witnessing a general suppression of specie pay-

ments by the banks. These acts, connected with the corrupting system of party discipline, introduced by that administration, with the view of compelling private judgment to succumb to the behest of the party, completely separated me from the administration of Andrew Jackson." (See his letter of date May 1st, 1839, and addressed to the people of Augusta and Rockbridge counties.)

In the Senate, he opposed the annexation of Texas, a revenue tariff, and a war with England on the question of the Oregon boundary line, saying in regard to Oregon, "while our title to the whole of that vast region extending westward from the Rocky Mountains to the Pacific Ocean, and the 42nd degree of north latitude to 54°, 40′, was certainly as good as that of any other nation, and probably better, we had ourselves, on repeated occasions virtually admitted that it was not so complete and unqualified as to preclude all other claims to any portion of it; and therfore a war for Oregon, unless an attempt was made to wrest it forcibly from our possessions would be not only a blunder but a crime."

The annexation of Texas he opposed on many grounds. He declared first that America was already too vast to be national, and too rich to be democratic, and any extension of her borders would increase the evils. Secondly, he objected to a clause in the constition of Texas which refused to the legislature power to pass laws for the emancipation of slaves. Thirdly, he was opposed to the United States Government assuming the debt of Texas and he thought annexation might lead to useless wars about boundary, etc.

On the question of the tariff, he held that direct protection was a legitimate object of legislation and he opposed any tariff which gave merely incidental protection. He derived his doctrine on the question both from the necessity and jus-

tice of the case, and the explicit avowal of those who framed the constitution and of those who sat in the first Congress under it, that it was designed and desired to lay duties for the encouragement and protection of domestic manufactures and he would allow no arguments of expediency to induce him to abandon his ground and to fall in with the friends of a revenue tariff giving incidental protection. This phraseology he denounced as a device of demagogues who were willing to conceal or abandon their principles in order to secure success. He also supported the "Monroe Doctrine," opposed nullification and secession, and favored a United States bank and popular education by means of State aid. He also spoke on behalf of a generous system of internal improvement and against the great liberty of divorce. In a word, he gave a general support to the principles of the old Whig party and occupied a position of commanding influence. His speeches in the Senate, like those at the bar, were distinguished for their clear, nervous brevity. And the great men of the day, B. W. Leigh; John J. Allen, R. E. Scott, William C. Rives, Vincent Witcher, Wm. Daniel, R. C. Conrad, and others, declared were equal to anything ever heard in a deliberative assembly. was consulted and deferred to for the wisdom, sagacity and moderation of his counsels and was usually styled the "Nestor of the Senate." His influence was paramount and always exerted for the public good, and the prosperity of Virginia, for half a century; indeed, up to the civil war, was to no inconsiderable degree, due to the wise advice of this patriotic and public spirited man.

Some years before he entered the Senate, he had grown stout, weighing 220 pounds, his fine silk-like hair was snowy white, his face florid, his eyes bright, piercing and thoughtful, and in silence his calm and serene countenance gave him

a majestic and graceful appearance. Alexander McD. Cowan, writing of him in the Vindicator newspaper of Staunton, February 18th, 1887, says; "Mr. Peyton was a remarkably handsome man, being of a fine figure and size, and with a face whose every feature was well-nigh faultless in shape and expression. Indeed, the word superb which used to be applied to the late Gen. Hancock's commanding appearance, might with equal oppropriateness have been applied to John Howe Peyton." Gen. William Preston, of Kentucky, told the writer he was, when he first met him in 1835-6 at the White Sulphur Springs, the "finest specimen of the Virginia gentleman of the old school, in his scrupulous, old fashioned courtesy, and open handed liberality, in his dress and appearance, he had ever seen-was not only an honor to the State but to human nature." His health was good up to the age of 66 years, his step firm, his figure erect; in fact, he was as straight as a dart, and there was something in his look which seemed to arise from an innate disposition of the mind or the workings of a great soul.

He kept up a large establishment at his elegant home of Montgomery Hall, having over fifty servants about his premises, entertained a great deal of company in a delightful manner, gave sumptious dinners and a great many of them, and of other entertainments—in fact, he kept open house, and while he set no bounds to his generous hospitality, there was no ostentation or vain display, though his house and furniture were thoroughly well appointed. His guests were among the most distinguished for talents and acquirements, for rank and station in the State and country. It was said, therefore, that at Montgomery Hall you were sure to enjoy the "feast of reason and the flow of soul." While he entertained so well, he was himself abstemious in his habits and denied himself animal food one day in every week.

He was wise and prudent in forming his intimacies and friendships, but when once a man's friend, unless for some good cause, he was ever constant and unchangeable, and there was no length to which he would not go to serve a friend. On one occasion, when in the Senate, he sacrified the office of Govenor of Viginia, to which he was about to be elected, to serve a friend and to secure the election of his friend, as he did, to the position of Judge. At another time, for he was a friend who "abided in the day of trouble" he offerd a friend in distress from pecuniary losses, the occupation, use and proceeds of one of his estates in Alleghany county, of nearly 5000 acres of land and a large number of servants. munificient spirit of liberality and generosity, he sought to provide for this unfortunate friend and his dependant family. So constituted was he, that it was often said that if a man's friend, he was the friend of his family, indeed of everybody connected with him—in a word he took the whole tribe to his heart. As a master, he was kind, humane, just and ever mindful of the wants of his servants, provided every family with a good house and garden, extended to them the privilege of raising poultry, pigs, etc., and of enjoying the fruits of such care and industry as they chose to bestow on them, during time allowed for this purpose. And he was so loved and respected by his servants that they considered it a favor, not a task, to do his bidding. But when there was occasion for it, he could be severe, and required a strict account from all.

Every community has its leading spirit, who, to a certain extent, impresses his character upon it and brings it up, in a measure, to what that choice spirit is, and that is precisely what Mr. Peyton did. He was identified with every interest of the people, with their trade and commerce, with the material development of the State, and its moral, educational and

religious prosperity. He was honest and upright in the highest degree, and never violated a trust, but was ever faithful to every obligation. His heart was full of that charity which "vaunteth not itself and is not puffed up." The poor, the afflicted, the distressed, whether "in mind, body or estate," were recipients of his kind deeds, and the widow and orphan knew him in their extremity. Principle dictated all his acts and he never departed a hair's breadth from the line of duty.

He was warm hearted, genial, and kindly, was fond of intellectual society, in which he was sure to shine, was given to hospitality and entertained more company probably than any gentleman of his day in Virginia; in fact, lived with open house.

Among other accomplishments, it should be remembered that he was a refined and robust writer, and had his professional and business engagements permitted, he would doubtless have been a famous author. Now and again he indulged, in an hour of leisure, in preparing an article for the British They showed eminent literary talents. Reviews. productions were, for the most part, destroyed in the library of his son, Col. J. Lewis Peyton, which was stored for safe keeping during the Civil War, on his Jackson River estate in Alleghany county, where they were burnt by Federal troops. His essays were generally on subjects of utility to the State and country, but some times his disquisitions were on moral and metaphysical science, and were remarkable for their clearness and force—no man, indeed, could have presented his views in a more perspicuous, more forcible or convincing manner. Judge McCue says, "his conception of a great subject and mode of expression were as clear, distinct and demonstrative as were those of Edmund Burke."

In a brief sketch only his salient points can be touched upon. Enough has been said, however, to present a fair idea of the superior mental and moral endowments of this extraordinary man. For his wonderful lifelong labors he did not receive, though having a most extensive and fairly lucrative practice—probably the largest of any lawyer in Virginia—a tithe of the annual income of a modern millionaire, but he accomplished great and noble ends, and no language can describe the inward satisfaction, the mental pleasure he must have enjoyed. He rejoiced in what riches cannot purchase, the love, admiration and respect of every one, from the humblest mountaineer to the highest official in the land.

His name has not perished and will not, but will grow greener with years and blossom through the coming ages. This little tribute, it is hoped, will extend and confirm the reputation of a man worthy of universal admiration. May it, however, do more. The fame of the truly great can only be of use when stimulating by example. Let every reader of these pages consider what he can contribute towards the same great cause of social melioration, what sacrifices he will make to reclaim the vicious, instruct the ignorant, cheer the disconsolate, what selfishness and bigotries he will relinquish; what benevolence, justice, charity he will exercise, and what, in a word, he will do to imitate the example of heroic worth given us by this truly wise and good man.

He was struck down by apoplexy in 1845, recovered sufficiently to walk about his house, but was disabled in 1846, by a second attack accompanied by paralysis. His mind, however, continued clear and vigorous, though his voice was indistinct. This was illustrated by his ability displayed on his sick bed, in a conversation with the late Col. John B. Baldwin, in which he gave him the points and elucidated the intri-

cacies of an important and difficult law case, then in progress, and cited the authorities. Throughout his illness, he endured his sufferings with patience and meekness, and died at Montgomery Hall, April 3d, 1847, leaving the reputation of having been a perfect gentleman, the soul of honor, and the pink of chivalry.

MR. PEYTON'S REPORT IN 1810.

VIRGINIA LEGISLATURE.

EXTRACT FROM THE MESSAGE OF GOV. TYLER OF VIRGINIA, DECEMBER 4TH, 1809.

A proposition from the State of Pennsylvania is herewith submitted, with Gov. Snyder's letter endorsing the same, in which is suggested the propriety of amending the constitution of the United States so as to prevent collisions between the government of the Union and the State government.

HOUSE OF DELEGATES.

Friday, Dec., 15th, 1809.

On motion ordered that so much of the Governor's communication as relates to the communication of the Governor of Pennsylvania, on the subject of an amendment proposed by the legislature of the State to the constitution of the United States he referred to Messrs. Peyton, Otey, Cabell, Walker, Madison, Holt, Newton, Parker, Stevenson, Randolph, Cocke, Wayatt and Ritchie.

Thursday, Jan., 11th, 1810.

Mr. Peyton from the committee to whom was referred that part of the Governor's communications which relates to the amendment proposed by the State of Pennsylvania, to the constitution of the United States, made the following "The committee to whom was referred the communication of the Governor of Pennsylvania, covering certain resolutions of the legislature of that State proposing an amendment of the Constitution of the Uunited States by the appointment of an impartial tribunal to decide disputes between the State and Federal judiciary, have had the same, under their consideration, and are of opinion that a tribunal is already provided by the Constitution of the United States to wit; the supreme court, more eminently qualified from their habits and duties, from the mode of their selection, and from the tenure of their offices, to decide the disputes aforesaid in an enlightened and impartial manner than any other tribunal which could be selected.

The members of the supreme court, are selected from those in the United States, who are most celebrated for virtue and legal learning, not at the will of a single individual, but by the concurrent wishes of the President and Senate of the United States; they will therefore have no local prejuices or partialities. The duties they have to perform, lead them necessarily to the most enlarged and accurate acquaintance with the jurisdiction of the Federal and State courts together, and with the admirable symmetry of our Government. The tenure of their offices enables them to pronounce the sound and correct opinions they may have formed without fear, favour, or partiality.

The amendment of the Constitution proposed by Pennsylvania seems to be founded upon the idea that the Federal judiciary will, from a lust of power, enlarge their jurisdiction, to the total annihilation of the jurisdiction of the State courts; that they will exercise their will instead of the law and the Constitution.

This argument, if it proves anything, would operate more strongly against the tribunal proposed to be created, which promises so little, than against the State courts, which, for the reason given, have every thing connected with their appointment calculated to insure confidence. What security have we, were the proposed amendments adopted, that this tribunal would not substitute their will and their pleasure in place of the law? The Judiciary are the weakest of the three departments of government, and least dangerous to the political rights of the Constitution; they hold neither the purse, nor the sword; and even to enforce their own judgments and decisions, must ultimately depend upon the executive 'arm. Should the Federal judiciary, however unmindful of their weakness, unmindful of the duty which they owe to themselves, and their country, become corrupt and transcend the limits of their jurisdiction, would the proposed amendment oppose even a probable barrier to such an improbable state of things?

The creation of a tribunal, such as is proposed by Pennsylvania, so far as we are able to form an idea of it, from the description given in the resolutions of the Legislature of the State, would, in the opinion of your Committee, tend rather to invite them to prevent collisions between the Federal and State courts. It might also become in process of time, a serious and dangerous embarrassment to the operations of the general government.

Resolved, therefore: That the Legislature of this State do disapprove of the amendment to the Constitution of the United States proposed by the Legislature of Pennsylvania.

Resolved also: That his Excellency the Govenor be, and he is hereby requested to transmit forthwith a copy of the foregoing preamble and resolutions to each of the Senators and representatives of this State in Congress, and to the executives of the several states in the union, with a request that the same be laid before the Legislature thereof.

The said Resolutions being read a second time, were, on motion ordered to be referred to a committee of the whole House on the state of the Commonwealth.

Tuesday, Jan. 23rd, 1810.

The House according to the orders of the day, resolved itself into a Committee of the whole house on the state of the Commonwealth, and after some time spent therein, Mr. Speaker resumed the chair, and Mr. Stannard of Spottsylvania, reported that the Committee had, according to order, had under consideration the preamble and resolution of the select committee, to whom was referred that part of the Governor's communication which relates to the amendment proposed to the constitution of the United States by the Legislature of Pennsylvania, had gone through with the same, and directed him to report them to the House without amendment, which he handed in to the clerk's table.

And the question being put, on agreeing to the said preamble and resolutions, they were agreed to by the House unanimously.

Ordered that the clerk carry the said preamble and resolutions to the Senate, and desire their concurrence.

IN SENATE.

Wednesday, January 24th, 1810.

The preamble and resolutions on the amendment to the constitutition of the United States, proposed by the Legislature of Pennsylvania by the appointment of an impartial tribunal to decide disputes between the State and Federal judiciary, being also delivered in, and twice read, on motion was

ordered to be committed to Messieurs Nelson, Currie, Campbell, Upshur and Wolfe.

Friday, January 26th, 1810.

Mr. Nelson reported from the committee on the preamble and resolutions on the amendment, proposed by the Legislature of Pennsylvania, etc., that the committee had, according to order, taken the said preamble and resolutions under their consideration, and directed him to report them without any amendment.

"This important state paper," says Judge McCue, "can be seen in the works of Daniel Webster, vol. III, pp. 352-54, and so able were these views and resolutions, considered at the time, as to attract the attention of the leading Statesmen of the country, and they guided the other States in the adoption of similar resolutions, thus overthrowing the effort of Pennsylvania to establish a separate and distinct judicial department as arbiter between the Federal and State Governments."

In the great debate in the United States Senate between Daniel Webster and Gen. Hayne, of South Carolina, Mr. Webster quoted Mr. Peyton's preamble and resolutions, as so conclusive of the questions involved, as to admit of no further discussion. In a subsequent pages of Judge McCue's sketch, an interesting conversation between Mr. Webster and Daniel Sheffey is reported.

DISEASE LEADS TO HIS CHANGE OF HOME.

For several years previous to 1808, Mr. Peyton suffered with a disease of the stomach and bowels—a chronic disen-

tary, which baffled the skill of his physicians. He consulted many of the eminent doctors of Virginia and Maryland in vain. The numerous remedies they prescribed were taken without good effect or gave only temporary relief. As a last resort he determined, on the advice of his tamily physician and his most intimate friends, to try the efficacy of the mineral waters of the Virginia Springs, and accordingly spent the summer of 1806–7 at that famous resort, the old Sweet Springs, in Monroe county. A use of the waters in a very brief period, gave him relief from his sufferings, and at the end of the season his health was re-established. He quickly decided, painful as was the severing of early ties, and the seperation from friends; to leave the malarial regions of lower Virginia, and to make his home in the healthy and bracing climate, west of the Blue Ridge. Accordingly in 1808 established himself in Stannton.

AGRICULTURAL SOCIETY.

The deep interest taken by Mr. Peyton in all matters likely to promote the thrift of the people and the public prosperity, and to which repeated reference is made in the various sketches of his life, is illustrated by the following facts:

At a meeting of the people of Augusta, held in Staunton in June, 1811, to form an agricultural society, the first ever organized in the county, he was present and appointed on what was styled the Committee of Correspondence, a committee, no doubt, raised to induce by letters the leading men of the county to co-operate in the cause.